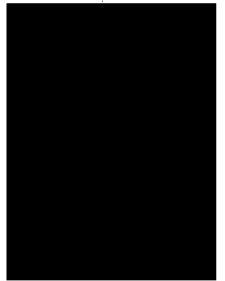


OGC HAS REVIEWED.

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SECRET

Acting Chief, Finance Division, SSS
Via: Chief, SSS
Legal Staff

27 January 1950

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Claims for Loss of Personal Effects [REDACTED] Employees.

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1. Your memorandum of 10 January 1950 forwarded claims from six employees of this Agency for personal property which was lost in the course of transportation by Navy vessel from [REDACTED]. It is not entirely clear whether the loss - which was the result of pilfering - was attributable to members of the ship's crew or native stevedores.

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2. The file does not clearly show that an "emergency" existed in relation to the transportation of the property, but I was verbally informed by the Deputy Chief, FDZ, that it was, in fact, an emergency move. We see no legal objection to approval of payment of the claim by the Executive under Section 10.3 of the Confidential Funds Regulations. It is a matter of policy for the Executive to determine whether or not he wishes to extend reimbursement under Section 10.3 to cases where the loss is due to theft or pilferage.

3. It may be of some value in guidance to know the Navy practice. Under the authority of their statute in 31 U.S.C.A. Section 222 (e), the Secretary of the Navy or his designee is authorized to pay the claims of military personnel or civilian employees of the Navy Department for damages to, or loss of, personal property occurring incident to their service, provided the loss is not due to the negligence or wrongful act of the claimant. Where the Navy assumes custody of the property for purposes of transportation, and some loss or damage occurs en route, they make reimbursement provided transportation of the property is duly authorized.

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4. Under the provisions of Section 223 d. of Title 31 U.S.C.A., which provide for payment by the Navy to persons other than Navy em-

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5. There is no legal objection to payment of the claim under Section 10.3 provided the Executive wishes to accept pilferage or theft during emergency travel as an acceptable cause of loss. There is nothing in the Confidential Funds Regulations to prohibit his approval.

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cc: Subject
Chrono
Legal Decisions

SECRET